

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Investigation into the ratemaking implications for Pacific Gas and Electric Company (PG&E) pursuant to the Commission's Alternative Plan for Reorganization under Chapter 11 of the Bankruptcy Code for PG&E, in the United States Bankruptcy Court, Northern District of California, San Francisco Division, In re Pacific Gas and Electric Company, Case No. 01-30923 DM.

Investigation 02-04-026  
(Filed April 22, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING  
REGARDING SERVICE LIST**

The Commission instituted this investigation on April 22, 2002, and named Pacific Gas and Electric Company (PG&E) as respondent. Further, the Commission ordered that:

"The Executive Director shall cause this OII [Order Instituting Investigation] to be served on the respondent and on the service list in Application 00-11-038 et al. This service list shall be the service list for this proceeding until further notice." (Investigation (I.) 02-04-026, Ordering Paragraph 4.)

The Commission provided that persons may become parties by filing comments on May 10 or May 22, and persons may become state service and information only participants by sending a request to the Process Office. (I.02-04-026, mimeo., page 3.) Comments and reply comments have been filed.

This ruling provides notice of the service list. The appearance (party) category is composed of respondent plus persons who filed and served comments and/or reply comments. The state service and information only categories are composed of persons who notified the Commission of their interest in being included in these categories.

Each person on the service list should confirm that the information contained for his or her entry is accurate, and provide corrections where necessary as soon as possible to the Commission's Process Office, with a copy served on the service list. The service list shall be posted on the Commission's web site as soon as practical.

By letter dated May 10, 2002, PG&E sought to provide "notification that it does not intend to be a party..." (See Attachment B.) Respondent cannot annul its respondent status by letter stating that it does not intend to be a party. PG&E elected not to file and serve comments or reply comments but shall be included in the appearance category consistent with its status as respondent. PG&E's appearance shall be through the person PG&E otherwise authorized to be identified for information only. PG&E shall seek corrections or changes to the service list by motion.

Electronic service protocols established in Application 00-11-038 and adopted for this proceeding (see Ruling dated May 8, 2002) shall continue to apply with slight modification as provided herein. Paper copies of pleadings shall be filed with the Docket Office, served on each party and state service participant who does not have an electronic mail address, and served on Alan Kornberg, Brian Hermann, Jeanette Lo and me. Parties shall expeditiously provide paper copies to any party or person who requests a paper copy. Electronic copies shall be served on all participants who have an electronic mail

address including parties, state service participants, and information only participants.

**IT IS RULED** that:

1. The service list is the list contained in Attachment A. Parties on the service list, except for Pacific Gas & Electric Company (PG&E), may correct or update service list information by letter to the Process Office with a copy to other parties. PG&E shall seek corrections or changes to the service list by motion. The service list shall be posted on the Commission's web site as soon as practical.

2. Electronic service protocols established in Application 00-11-038 and adopted in this proceeding shall continue to apply as modified herein. Specifically, paper copies of pleadings shall be filed with the Docket Office, served on each party and state service participant who does not have an electronic mail address, and served on Alan Kornberg, Brian Hermann, Jeanette Lo and me. Parties shall expeditiously provide paper copies to any party or person who requests a paper copy. Electronic copies shall be served on all participants who have an electronic mail address including parties, state service participants, and information only participants.

Dated May 31, 2002, at San Francisco, California.

/s/ BURTON W. MATTSON

Burton W. Mattson  
Administrative Law Judge

## ATTACHMENT A

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**(END OF ATTACHMENT A)**



**ATTACHMENT B  
MAY 10, 2002 NOTICE FROM PG&E**

May 10, 2002

Process Office  
California Public Utilities Commission  
505 Van Ness Avenue, Room 2000  
San Francisco, CA 94102

Re: I.02-04-026

Dear Sir/Madam:

Pursuant to I.02-04-026, Pacific Gas and Electric Company (PG&E) hereby provides notification that it does not intend to be a party in the above-referenced proceeding and therefore requests that it be added to the service list for information only.<sup>1</sup>

Very truly yours,

Christopher J. Warner  
CJW:mw

Cc: President Loretta M. Lynch  
Commissioner Henry M. Duque  
Commissioner Carl W. Wood  
Commissioner Geoffrey F. Brown  
Commissioner Michael R. Peevey

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<sup>1</sup> PG&E provides this notification through a limited appearance only, and reserves all legal rights to challenge I.02-04-026 or the decisions or statutes under which it has been initiated, including challenges under state or federal law or the U.S. or California Constitutions. Also, PG&E reserves any additional legal rights by reason of its status as a debtor under Chapter 11 of the U.S. Bankruptcy Code, and nothing in this notification or limited appearance constitutes a waiver of such rights. In addition, PG&E contends that this Commission lacks the power to issue any binding rules respecting matters that touch upon core proceedings (see 28 U.S.C. Section 157) or are otherwise within the Bankruptcy Court's exclusive jurisdiction. PG&E exposes its federal contentions here only for the purpose of complying with Supreme Court precedent, and reserves its right to seek relief in federal court for disposition of such federal claims. See *England v. Louisiana State Board of Medical Examiners*, 375 U.S. 411 (1964).

**(END OF ATTACHMENT B)**

**CERTIFICATE OF SERVICE**

I certify that I have by regular mail, and by electronic mail on those parties with an electronic mail address, this day served a true copy of the original attached Administrative Law Judge's Ruling Regarding Service List on Phase 2 of record in this proceeding or their attorneys of record.

Dated May 31, 2002, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.